

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**CLIFFORD CLARK,
TDCJ No. 2239054,**

Plaintiff,

v.

MICHAEL WADDELL, *et al.*,

Defendants.

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Civil Action No. 7:22-cv-00059-M-BP

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. No objections were filed. The District Court reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

It is therefore **ORDERED** that the Motions to Dismiss (ECF Nos. 33, 49) are **GRANTED** in part and **DENIED** in part. Plaintiff's claims against Defendants in their official capacity, for injunctive relief, for return of property, and for Fourth and Fifth Amendment violations are **DISMISSED without prejudice**, and Plaintiff's claims against Defendants Ramirez, Fox, Garcia, Skinner, Adkins, Hunley, Gonzales, Piercy, and Rodriguez under 42 U.S.C. § 1983 for compensatory damages, for deprivation of his constitutional and statutory rights, and for conspiracy to violate those rights are **DISMISSED with prejudice**.

Further, the Motion to Dismiss filed by Defendants Waddell, Byrd, Ramirez, Garcia, Skinner, Adkins, Hunley, Piercy, and Rodriguez is **DENIED** with respect to Plaintiff's Fourteenth Amendment equal protection claim against Defendants Waddell and Byrd. The motion is

GRANTED in all other respects, and all of Plaintiff's other claims against Defendants Waddell and Byrd are **DISMISSED with prejudice**.

SO ORDERED this 12th day of December, 2023.


BARBARA M. G. LYNN
SENIOR UNITED STATES DISTRICT JUDGE